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**COMBINED DECLARATION AND POWER OF ATTORNEY**

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(ORIGINAL, DESIGN, NATIONAL STAGE OF PCT,  
SUPPLEMENTAL, DIVISIONAL, CONTINUATION OR CIP)

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As a below named inventor, I hereby declare that:

**TYPE OF DECLARATION**

This declaration is of the following type:

- ☐ original
- ☐ design
- ☐ supplemental
- ☐ national stage of PCT
- ☐ divisional
- ☐ continuation
- ☒ continuation-in-part
- ☐ provisional

**INVENTORSHIP IDENTIFICATION**

My residence, post office address and citizenship are as stated below next to my name. I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

FUNGICIDAL AND BACTERICIDAL COMPOSITIONS FOR PLANTS  
CONTAINING PHOSPHONATE AND PHOSPHATE SALTS, METAL  
CHELATES, AND DERIVATIVES THEROF

**SPECIFICATION IDENTIFICATION**

The specification:

- ☒ is attached hereto.
- ☐ was filed on as Serial No. , or Express Mail No. \_\_\_\_\_, if  
the Serial No. is not yet known and was amended on \_\_\_\_\_
- ☐ was described and claimed in PCT International Application No. \_\_\_\_\_  
filed on \_\_\_\_\_ and as amended on PCT Article 19 on \_\_\_\_\_ (if any).

**35 USC 119(a)-(d) or 365(a)-(b) PRIORITY CLAIM, IF ANY,  
FOR FOREIGN APPLICATIONS**

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT International application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

| Prior Foreign<br>Application Number(s) | Country | Foreign Filing Date<br>(MM/DD/YYYY) | Priority Not<br>Claimed | Certified Copy<br>Attached? |    |
|--|---------|-------------------------------------|-------------------------|-----------------------------|----|
|  |         |                                     |                         | YES                         | NO |
|  |         |                                     |                         |                             |    |
|  |         |                                     |                         |                             |    |
|  |         |                                     |                         |                             |    |
|  |         |                                     |                         |                             |    |

- ☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

**35 USC 119(e) PRIORITY CLAIM**

I hereby claim the benefit under 35 USC 119(e) of any United States provisional application(s) listed below.

| Application<br>Number(s) | Filing Date<br>(MM/DD/YYYY) | <input type="checkbox"/> Additional provisional application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto |
|--------------------------|-----------------------------|---|
|                          |                             |   |
|                          |                             |   |
|                          |                             |   |

**35 USC 120 or 365(c) PRIORITY CLAIM**

I hereby claim benefit under 35 U.S.C. 120 of any United States application(s), or 365(b) of any PCT International application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the matter provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

| U.S. Parent Application or PCT Parent Number | Parent Filing Date<br>(MM/DD/YYYY) | Parent Patent Number<br>(if applicable) |
|--|------------------------------------|---|
| 09/702,417                                   | 10/31/2000                         |   |
| 09/387,100                                   | 08/31/1999                         | 6,139,879                               |
| 08/881,968                                   | 06/25/1997                         |   |
| 09/419,127                                   | 10/15/1999                         |   |
| 09/109,139                                   | 07/02/1998                         | 5,997,910                               |
| 08/812,865                                   | 03/06/1997                         | 5,800,837                               |
| 08/705,594                                   | 08/30/1996                         | 5,736,164                               |

- ☐ Additional U.S. or PCT international application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

**POWER OF ATTORNEY**

As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

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*PATENT*  
Atty Docket No. 396421  
Express Mail Label No. EL830787398US

Boulder, CO 80301; all of the aforementioned being with the law firm of LATHROP & GAGE  
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**DECLARATION**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**SIGNATURE(S)**

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Country of Citizenship: United States of America

Inventor's signature: \_\_\_\_\_ Date: \_\_\_\_\_